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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/20/2003

Benjamin Quigley

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EXAMINER

WONG, ERIC TAK WAI

ART UNIT

PAPER NUMBER

3693

NOTIFICATION DATE

DELIVERY MODE

04/29/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

Office Action Summary	Application No. 10/690,145	Applicant(s) QUIGLEY ET AL.	
	Examiner ERIC T. WONG	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/5/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,12-17,19,23 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,12-17,19,23 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-9, 14-17, 19, 23, and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over AQC (as evidenced by "Go Shopping Without Leaving Home", hereinafter SmartComputing and US PAT NO. 6,944,669, hereinafter "Saccocio") in view of Paypal ("User Agreement for PayPal Service", cited in prior Office Action).

3. Regarding claims 1 and 23, AQC discloses:

providing, via a computing device, a thin wallet account providing a first set of services, the first set of services requiring a single authentication level (see SmartComputing pp. 4-5; AOL account);

converting, via a computing device, the thin wallet account to a full wallet account requiring multiple authentication levels and providing a different set of services for each authentication level (see pp. 4-5; "Aol Quick Checkout"); The user enters a shopping password that is different from his regular AOL password. The shopping password may then be used for future purchases).

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4. AQC does not explicitly disclose presenting to the accountholder a one-time challenge/response mechanism and converting the account if the accountholder clears the challenge.

5. Paypal teaches presenting to the accountholder a one-time challenge/response mechanism and converting a thin wallet account to a full wallet account if the accountholder clears the challenge (see pg. 5, "Spending Limits and Verification"; The verification of two small deposits to a bank account is the one-time challenge/response mechanism. The user's sending limit is lifted after an account is verified.).

6. It would have been obvious to one of ordinary skill in the art at the time of invention to modify AQC to include presenting to the accountholder a one-time challenge/response mechanism and converting the account if the accountholder clears the challenge, as taught by Paypal. The modification would have merely been the application of a known technique, ie. authentication via one-time challenge/response mechanism, to a known method ready for improvement, ie. conversion of an account, yielding predictable results.

7. Regarding claim 2, Paypal teaches wherein the challenge/response mechanism requires an accountholder to provide information known only to the thin wallet accountholder.

8. Regarding claim 3, AQC discloses wherein the step of providing the thin wallet account comprises creating a record in a subscriber database.

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9. Regarding claim 4, AQC discloses wherein subscribers include subscribers to any of: an online service; and an ISP (Internet service provider).

10. Regarding claim 5, AQC discloses wherein the step of presenting a challenge/response mechanism comprises requesting a service from within the thin wallet account that is only available from within a full wallet account. Paypal teaches one time only, prompting the thin wallet account holder to provide the information known only to the thin wallet account holder.

11. Regarding claim 8, AQC discloses wherein the different set of services for each authentication level comprise requiring greater security than the level of security provided by said single authentication level ("shopping password" is required to make purchases).

12. Regarding claim 9, AQC discloses wherein the additional tasks comprise any of: editing the default account information; editing account preferences; and making purchases at sites that require additional authentication beyond said single authentication level ("shopping password"). Paypal discloses wherein the additional task comprises making purchases that exceed a predetermined purchase amount.

13. Regarding claim 14, Paypal discloses configuring the challenge by an account provider, wherein configuring the challenge includes: specifying information requested by the challenge ("Random Deposits"); and specifying a permissible number of response attempts.

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14. Regarding claim 15, AQC wherein the step of converting comprises creating a record in a full wallet account database.

15. AQC does not explicitly disclose wherein the step of converting further comprises providing notice of a privacy policy; and consenting to the privacy policy by the thin wallet accountholder.

16. Paypal teaches providing a privacy policy and consenting to the privacy policy by an accountholder upon registering for a new service is old and well known in the art.

17. It would have been obvious to one of ordinary skill in the art at the time of invention to modify AQC further to include wherein the step of converting further comprises providing notice of a privacy policy; and consenting to the privacy policy by the thin wallet accountholder. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

18. Regarding claim 16, AQC discloses creating a second-level challenge (“shopping password”).

19. Regarding claim 17, AQC discloses wherein the steps of creating at least a second-level challenge comprises any of the steps of: setting a second-level password (“shopping password”); and configuring, via a computing device, a security question by the accountholder.

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20. Regarding claim 19, AQC discloses providing a user interface accessible only to holders of full wallet accounts to edit account information and preferences (see Saccocio, FIG. 8, steps 805-810, FIGS. 14-17).

21. Regarding claim 50, AQC discloses:

a wallet server (see col. 2, lines 42-48, claim 1);

a wallet database (see col. 2, lines 42-48, claim 1);

a subscriber database, wherein said wallet database is distinct from said subscriber database (see col. 11, lines 53-67, claim 1; merchant server includes a subscriber database);

wherein the wallet server is in communication with the wallet and the subscriber databases (see claim 1);

a client in communication with the wallet server, wherein a wallet accountholder requests services from the wallet server (see FIG. 9, 902); and

a computer program executing on said wallet server, said computer program comprising computer code means for:

providing, via a computing device, a thin wallet account providing a first set of services, the first set of services requiring a single authentication level (see

SmartComputing pp. 4-5; AOL account);

converting, via a computing device, the thin wallet account to a full wallet account requiring multiple authentication levels and providing a different set of services for each authentication level (see pp. 4-5; “Aol Quick Checkout”); The user enters a

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shopping password that is different from his regular AOL password. The shopping password may then be used for future purchases).

22. AQC does not explicitly disclose presenting to the accountholder a one-time challenge/response mechanism and converting the account if the accountholder clears the challenge.

23. Paypal teaches presenting to the accountholder a one-time challenge/response mechanism and converting a thin wallet account to a full wallet account if the accountholder clears the challenge (see pg. 5, "Spending Limits and Verification"; The verification of two small deposits to a bank account is the one-time challenge/response mechanism. The user's sending limit is lifted after an account is verified.).

24. It would have been obvious to one of ordinary skill in the art at the time of invention to modify AQC to include presenting to the accountholder a one-time challenge/response mechanism and converting the account if the accountholder clears the challenge, as taught by Paypal. The modification would have merely been the application of a known technique, ie. authentication via one-time challenge/response mechanism, to a known method ready for improvement, ie. conversion of an account, yielding predictable results.

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25. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over AQC in view of Paypal, further in view of Partovi (US PATENT 6,807,574).

26. Regarding claim 12, AQC does not explicitly disclose wherein the information known only to the thin wallet accountholder comprises at least a portion of a credit card number stored in the first account.

27. Partovi teaches verifying an accountholder's identity by requesting a portion of a saved credit card number (see col. 4, lines 7-19).

28. It would have been obvious to one of ordinary skill in the art at the time of invention to modify AQC further with verifying an accountholder's identity by requesting a portion of a credit card number stored in the first account, as taught by Partovi. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

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29. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over AQC in view of Paypal, further in view of Partovi, further in view of Official Notice.

30. Regarding claim 13, AQC does not explicitly disclose if the thin wallet accountholder doesn't clear the challenge, allowing a predetermined number of attempts to enter the information known only to the thin wallet accountholder.

31. Official Notice is taken that it was old and well known in the art at the time of invention to allow a predetermined number of attempts to enter the information known only to an accountholder, eg. account lock-out mechanisms such as Microsoft Windows.

32. It would have been obvious to one of ordinary skill in the art at the time of invention to modify AQC further with if the thin wallet accountholder doesn't clear the challenge, allowing a predetermined number of attempts to enter the information known only to the thin wallet accountholder. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

33. AQC does not explicitly disclose if the thin wallet accountholder fails the predetermined number of attempts, allowing the thin wallet accountholder to provide a new credit card number; and presenting a challenge based on the new credit card number.

34. Partovi discloses allowing the thin wallet accountholder to provide a new credit card number; and presenting a challenge based on the new credit card number (see col. 4, lines 7-19).

35. It would have been obvious to one of ordinary skill in the art at the time of invention to modify AQC further with if the accountholder does not clear the challenge, allowing the thin wallet accountholder to provide a new credit card number; and presenting a challenge based on

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the new credit card number (see col. 4, lines 7-19). The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC T. WONG whose telephone number is 571-270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

ERIC T. WONG
Examiner
Art Unit 3693

April 13, 2010